

REMARKS

Claims 1-9, 11-19, 21-23, 25-27, 29-37 are pending in the application.

Claims 1-9, 11-19, 21-23, 25-27, 29-36 stand rejected.

Claims 1, 15, 23, and 27 have been amended.

Claim 37 has been added.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 1-9, 11-19, 21-23, 25-27, 29-31 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,449,646 issued to Sikora *et al.*, (“Sikora”) in view of U.S. Patent Application Pub. No. 2003/0018702 naming Broughton *et al.* as inventors (“Broughton”). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

The Office Action relies on Sikora and Broughton in rejecting each of the listed claims. While not conceding that Sikora or Broughton are prior art, but instead to present the claims in condition for allowance, Applicants have chosen to overcome the Examiner’s rejection by amendments that more clearly distinguish the claims over Sikora and Broughton.

Applicants' amendments are made without prejudice to Applicants' right to establish, for example in a continuing application, that Sikora or Broughton are not prior to an invention now or hereafter claimed.

Independent Claims 1, 15, 23 and 27: Independent Claims 1, 15, 23 and 27, as amended, each contain limitations of a form similar to that presented in Claim 1:

forming a list of routes, wherein each route includes information related to the type of communication media available along the route for handling one or more of the work items; and
entering one or more escalation rules for a route, wherein an escalation rule comprises a definition of how a work item is processed along the route.

Applicants respectfully submit that neither Sikora nor Broughton, alone or in combination, provide disclosure of an escalation rule that comprises a definition of processing for a work item along a route.

The Office Action dated November 22, 2004 ("the November Office Action") and the Office Action dated June 30, 2005, ("the June Office Action") admit that Sikora does not disclose entering one or more escalation rules for a route. Both Office Actions posit that Broughton supplies this missing disclosure. The present Application provides the following definition of the characteristics of an escalation rule:

Figure 4E shows an example of a table for escalation rules that define how the processing of a work item can be escalated if the work item has not been served for a pre-defined period of time. Each escalation rule defines a way that a work item should be processed. The escalation rules can generalize the skill requirement of a work item so that the chance of having the work item served is improved. Each escalation rule can also be associated with a sequence number that indicates the order in which the particular escalation will be executed in relation to the other escalation rules for the specified route.

Application, p. 33, ll. 8-14. Thus, escalation rules can generalize parameters of a work item so that one or more additional routes can be made available for selection to serve the work item. The independent claims are amended herein to specifically include this characteristic of the escalation rules. Applicants respectfully submit that Broughton does not describe escalation rules with these characteristics. Broughton merely provides a mechanism for a user to enter a desire to escalate an item (in the voice or Internet modes of operation) or for moving an email to an immediate response scheme upon the expiration of a period of time. Broughton provides no capacity for supplying an “escalation rule” as claimed and described by the present Application.

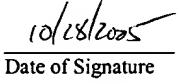
Applicants further reiterate their position that the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the two references. The Advisory Action states that “the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” Advisory Action, p. 2. But then the Advisory action only relies upon “Sikora and Broughton teach[ing] the operations of a customer contact center having different media types” as support for a motivation to combine. The showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Given the lack of required specificity in support of the alleged motivation to combine provided by the Advisory Action, Applicants reiterate their discussion of the lack of motivation to combine provided in the

Response to Final Office Action, dated October 20, 2005, which is hereby incorporated by reference.

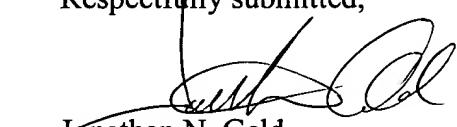
For at least the above reasons, Applicants respectfully submit that neither Sikora nor Broughton, alone or in combination, provide disclosure of each limitation of independent Claims 1, 15, 23 and 27, as amended, and therefore do not render these claims, or claims dependent thereon, obvious under 35 U.S.C. § 103(a).

CONCLUSION

The application is believed to be in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 28, 2005.</p>	
	
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,


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